

AF

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	Application Number	09/452,328
	Filing Date	November 30, 1999
	First Named Inventor	Porter
	Art Unit	2153
	Examiner Name	Johnson, Marlon
Attorney Docket Number		112076-138323
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Schwabe, Williamson & Wyatt, P.C.	
Signature		
Printed name	Kyle H. Flindt	
Date	July 6, 2005	Reg. No. 42,539

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Yvette L. Chriscaden	Date July 6, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application for:

Porter

Application No.: 09/452,328

Filed: November 30, 1999

For: Dynamic Content Based
Information Browsing

Examiner: Johnson, Marlon

Art Group: 2153

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: July 6, 2005

Typed or Printed: Yvette L. Christaden

Signature: 

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Appellant's Answer to Examiner's Response Under 37 C.F.R. §1.193
In Support Of Appellant's Appeal To The Board Of Patent Appeals And Interferences

Dear Sir:

The Appellant hereby submits this Answer to Examiner's Response mailed May 6, 2005, to further their appeal filed August 13, 2004, from a final decision by the Examiner. The final decision was mailed on May 13, 2004 in response to arguments filed on March 1, 2004. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the present patent application.

(1) Real Party In Interest

The real party in interest is Hall Aluminum, LLC, having its primary place of business at 171 Main St. #271, Los Altos, California 94022.

(2) Related Appeals And Interferences

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal, which will directly affect, be directly affected by, or have a bearing on the Board's decision.

(3) Status Of The Claims

Claims 1-42 were rejected in the Final Office Action dated May 13, 2004. Claims 1-42 remain pending were reproduced, as pending, in Appendix A of the previously filed Appeal Brief.

(4) Status of Amendments

No claim amendments have been made since the mailing date of the final rejection.

(5) Summary of the invention

The present invention improves information browsing. Embodiments of the present invention augment an information page being browsed with source identifiers

directly identifying additional information pages. The augmenting source identifiers are generated based at least in part on the content of the information page being browsed; and the content of the directly identified additional information pages directly augment the content of the information page based on which the augmenting source identifiers are generated.

(6) Issues Presented

- I. Whether claims 1, 2, 6-11, 18, 21-22, 25-27, 30-32, 35-37 and 39-41 are patentable under 35 U.S.C. §102.
- II. Whether claims 3-5, 12-17, 19-20, 23-24, 28-29, 33-34, 38 and 42 are patentable under 35 U.S.C. §103

(7) Grouping of claims

For purpose of this appeal, based on the above listed grounds of rejection, all claims 1-42 stand or fall together.

(8) Answer to Examiner's Response

(A) Applicant respectfully draws the Board's attention to the fact that Applicant did indicate claims 1-48 stand and fall together in section (7) of the Appeal Brief, and reconfirmed that indication above.

(B) In response to Applicant's arguments, the Examiner stated on page 13 of the Answer

"In regards to question a), information return from the server to the browser constitute a 'page' regardless of how the server generated it. Niemi's 'answer' page (the list of hyper-links, col. 7, lines 14-17) contains a list of hyper-links to related documents and indications of the degree of similarity to the downloaded page. The 'answer' page clearly augments the information page by identifying related documents and the degree of similarity of the related documents to the downloaded page."

Respectfully, the question postulated by Applicant is not whether Niemi's 'answer' page augments the information page, but whether Niemi's 'answer' page is the augmenting information page required by the independent claims, as the claim language did not merely require an augmenting information page, but a specific type of augmenting information page that contains "second contents directly augmenting the first content".

As argued in the brief, Niemi's 'answer' page contains links to documents that contain similar content, these links of 'answer' page are not "second contents directly augmenting the first content". Accordingly, they are not the required direct augmenting information page.

The Examiner further stated on pages 13 and 14 that

"In regards to question b), at col. 5, lines 10-17, Neimi teaches that the web page is augmented wherein when an keywords are identified, the HTML code is modified "on-the-fly" to introduce associated hyper-links (information source identifiers as required by claim 1). Niemi teaches that the augmented hyper-links when clicked on causes the Web browser to request from the server the contents identified by a particular URL (col. 6, lines 33-50). Hence the augmented URL "directly identifies an information page ..."

Respectfully, the claim language does not merely call for source identifiers directly identifying information pages, but source identifiers directly identifying information pages with second content that directly augment the first content.

As argued in the brief, since Neimi merely teaches augmenting the original information page with "queries" that return an answer page (when one is selected), containing links to documents with similar content (that may be retrieved on selection of

the links), these queries are not information page identifiers that directly identify information pages with second content that directly augment the first content.

Applicant's invention, when compared to Neimi, advantageously removes one operation from the process, allowing a user to get to the useful augmenting information with one less process operation.

(9) Conclusion

Appellant respectfully submits that all appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner's decision, and direct allowance of the rejected claims.

(10) Epilogue

For the Board's convenience, this reply is also submitted in triplicate. We do not believe any other fees, in particular extension of time fees, are needed. However, should any fee be necessary for this filing, please charge our Deposit Account No. 500393. In addition, please charge any shortages and credit any overages to the same account.

Respectfully submitted,
Appellant Applicant

Dated: July 6, 2005



By Al AuYeung, Reg. No. 35,432
Schwabe, Williamson & Wyatt, P.C.
Attorney for Appellant Applicant